

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA, In and for the County of Cochise

**JUDGE: HONORABLE JAMES L CONLOGUE,
DIVISION: FIVE
COURT REPORTER: VAN HONEMAN
INTERPRETER: NONE**

AMY J. HUNLEY, Clerk of the Superior Court
by: CAROL ROLES (7/15/2019 8:27:05 AM), Deputy Clerk

HEARING DATE: 07/11/2019

STATE OF ARIZONA,	Plaintiff,
VS	
ROGER DELANE WILSON	
DOB: 7/20/1968	Defendant.

CASE NO: S0200CR201700516

MINUTE ENTRY: HEARING ON MOTIONS

**HEARING START TIME: 9:13 AM
HEARING END TIME: 11:59 AM**

**State Represented by: LORI ZUCCO, Deputy County Attorney
Defendant present in person and by: STEVEN D. WEST, Esquire
Defendant in Custody: YES**

This matter came regularly before the Court this date for hearing on determination of competency; motion to sever counts and motion for change of venue.

The Court announced that the motions filed this morning will not be heard today; they will be set for another date.

Upon inquiry by the Court, neither counsel had opening statements to present.

Mr. West called as a witness DR. SERENA GORGUEIRO who, being duly sworn and under oath, was direct examined, cross-examined, re-direct examined and excused from the stand.

Upon inquiry by the Court, Mr. West had no further evidence to present on the issue of competency.

Mr. West presented closing argument.

Ms. Zucco presented closing argument.

The Court FINDS that the Defendant is competent to proceed with the trial in this matter.

At 11:17 a.m. the Court called a ten-minute recess.

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At 11:35 a.m. this matter reconvened with the presence of all parties previously announced.

Moving to the motion for change of venue, the Court noted that the State had filed a response.

Before presenting argument, Mr. West orally moved for the judge to recuse himself from the case.

Upon inquiry by the Court, Ms. Zucco presented the State's position.

Mr. West presented argument regarding the motion to recuse.

The Court addressed the parties and discussed procedural history of the case.

The Court does NOT FIND basis for recusal.

IT IS ORDERED DENYING Defendant's motion for the judge to recuse himself from the case.

Returning to the motion for change of venue, Mr. West presented argument.

Upon inquiry by the Court, Ms. Zucco presented the State's position.

Mr. West present final argument.

Mr. West noted for the record the primary consideration is publicity and it is possible that matter could be handled by a questionnaire to the prospective jurors.

The Court announced for the record that only the following people are present in the courtroom for this hearing: from the previous portion of the hearing; an independent reporter/blogger; Defendant's mother and an individual to her; attorneys in this matter; and court staff. The Court stated this is not a carnival-like atmosphere. The Court stated there is no presumed prejudice; and there has been no evidence, nothing in the record or the preceding proceedings would allow the Court to change the venue.

IT IS ORDERED DENYING the motion for change of venue.

The Court stated that it would allow a pretrial questionnaire for prospective jurors to complete prior to jury selection.

The Court turned to the remaining motion to be heard today, that of severing the counts.

The Court noted that the State does not object to severing the counts.

IT IS ORDERED GRANTING Defendant's motion to sever Counts 5 and 6 of the Superseding Indictment from Counts 1 through 4. There will be a separate trial for misconduct involving weapons.

The Court stated that it would like to set the homicide trial first in order.

The Court inquired of counsel regarding the dates to set for trial.

Date: 07/11/2019 Case No.: S0200CR201700516
Minute Entry – MOTIONS HEARING

At 11:51 a.m. this matter recessed at the request of Defendant so that he could confer with his counsel.

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At 11:55 a.m. this matter reconvened with the presence of all parties previously announced.

IT IS ORDERED SETTING Jury Trial in the matter of the homicide portion of this case, to commence **MOND. NOVEMBER 4, 2019**, at 8:30 a.m., as follows:

CDR
Monday, November 4th - prospective jurors to complete questionnaire; jury selection
Tuesday, November 5th – all day
Wednesday November 6th – afternoon
Thursday, November 7th and Friday, November 8th – all day

Due to Defendant's repeated verbal outbursts court proceedings were interrupted.

The Court continued to recite the trial schedule, as follows:

Wednesday, November 13th – afternoon
Thursday, November 14th and Friday, November 15th – all day
Tuesday, November 19th all day
Wednesday, November 20th - afternoon
Thursday, November 21st and Friday November 22nd – all day

The Court advised that the dates for new motions hearing(s) may be set telephonically with counsel; and, in the me there are any other motions filed those may be set to be heard as well.

Mr. West expressed to the Court his concerns about Defendant's outbreaks and renewed his motion for the judge to himself from the case and to change venue.

The court addressed the parties regarding Defendant's behavior.

IT IS ORDERED DENYING Defendant's renewed motion.

Hearing adjourned at 11:59 a.m.

xc: e-mailed (e) by: cdr date: 7/15/19 *CDR*

☒ County Attorney (e)

☒ Steven West, Esq. sdwildwest@yahoo.com

☒ M. Burns (e)

☒ DIV FIVE JAA (e)

☒ CCSO/Jail (e)

☒ *Jury Comm (e)*